



SUPPLEMENT TO
The Mysore Gazette
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BANGALORE, TUESDAY, OCTOBER 7, 1913.

Abstract Proceedings of the Mysore Legislative Council.

The Council met in the Council Chamber, Public Office Buildings, Bangalore, on Monday, the 15th September 1913, at 12 noon.

PRESENT.

M. VISVESVARAYA, ESQ., B.A., L.C.E., M.INST. C.E., C.I.E., Dewan (Presiding).

Ex-Officio Members.

1. H. V. NANJUNDAYYA, ESQ., M.A., M.L. (First Councillor).
2. M. KANTARAJ URS, ESQ., B.A. (Second Councillor).

ADDITIONAL MEMBERS.

Official.

1. K. S. DORASWAMI IYER, ESQ.
2. C. SRIKANTESVARA AIYAR, ESQ., B.A., B.L.
3. M. SHAMA RAO, ESQ., M.A.
4. C. S. DORASWAMI IYER, ESQ., B.A., B.L.

Non-official.

1. RAJAMANTRAPRAVINA C. SREENIVASIENGAR, ESQ.
2. RAJASABHABHUSHANA DEWAN BAHADUR K. P. PUTTANNA CHETTY, ESQ.
3. RAJAKARYAPRAVINA RAO BAHADUR A. RANGASWAMI IYENGAR, ESQ., B.A., B.L.
4. SYED AMIR HASSAN, ESQ.
5. D. VENKATARAMAYYA, ESQ., B.A.
6. B. NARASINGA RAO, ESQ.
7. S. SEETARAMAYYA, ESQ.

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L. (Secretary).

The Secretary's Report to the Council.

The Secretary reported to the Council :—

(i) that the Mysore Emigration Bill and the Partition Bill received the assent of His Highness the Maharaja on the 13th May 1913 and the 14th June 1913, respectively, and

(ii) that the following gentlemen took their seats as additional members of the Council :—

1. MR. C. SRIKANTESVARA AIYAR, B.A., B.L.,
2. MR. M. SHAMA RAO, M.A.,
3. MR. C. S. DORASWAMI IYER, B.A., B.L.,
4. RAJAMANTRAPRAVINA MR. C. SRINIVASIENGAR,
5. RAJAKARYAPRAVINA RAO BAHADUR MR. A. RANGASWAMI IYENGAR, B.A., B.L., and
6. MR. SYED AMIR HASSAN.

A Bill further to amend the Mysore Court Fees Regulation, 1900.

MR. H. V. NANJUNDAYYA in moving that leave be granted to introduce the Bill further to amend the Mysore Court Fees Regulation, 1900, said :—

The present proposal is to amend the Mysore Court Fees Regulation in the following manner :—

Section 35 runs as follows :—

“The Government may, from time to time, make rules for regulating :—

- (a) the supply of stamps to be used under this Regulation,
- (b) the number of stamps to be used for denoting any fee chargeable under this Regulation;
- (c) the renewal of damaged or spoiled stamps used under this Regulation, and
- (d) the keeping accounts of all stamps used under this Regulation.”

The proposal now is to insert the words “or refund in value for” after the words “the renewal of” in sub-section (c).

The amended sub-section will then read as follows :—

“(c) the renewal of, or refund in value for, damaged or spoiled stamps used under this Regulation.”

The reason for making this alteration is that sub-section (c) gives power to Government only to renew the damaged or spoiled stamps and does not provide for the refund of their value. In the case of general stamps, we have a provision in the Stamp Regulation itself which authorizes the refund of the value of spoiled stamps.

It is therefore considered desirable to provide for a similar provision in the case of Court fees.

MR. C. S. DORASWAMI IYER.—Sir,—I beg to second this proposition, and at this stage, when only leave is asked for to introduce the amendment, I do not think more words are necessary to commend this proposition to the Council.

MR. K. P. PUTTANNA CHETTY.—Sir,—By this amendment, it is only intended to give legislative sanction to the practice which is already in existence and I think, the proposition moved by the learned member in charge of the Bill may be accepted.

The motion was put to vote and carried unanimously.

A Bill to regulate the Use of Motor Vehicles in Mysore.

MR. M. KANTARAJ URS.—Sir,—The motion standing against my name is for leave being granted to introduce a Bill to regulate the Use of Motor Vehicles in Mysore.

The Members of this Council are not unaware that there has been of late a very large increase in the number of motor vehicles plying about in the State, especially in the cities of Bangalore and Mysore. Apart from the motor vehicles in existence in the State itself, a large number of such vehicles are being used in all parts of the State by visitors from outside, who come for sight-seeing and other purposes. It has therefore become urgently necessary to provide for regulating their use and checking the abuses and minimising the dangers incidental to them. The enactment of bye-laws for this purpose in the Civil and Military Station, Bangalore, makes it all the more necessary that there should be similar laws in force in the Bangalore City and other adjoining parts. The result of the want of any such law in the State has been that the owners of motor vehicles residing in the State have to register them and take out drivers' licenses from the Civil and Military Station authorities to enable them to use their cars, within their municipal limits.

2. It has been found that none of the existing regulations contain any provisions for the regulation of motor vehicles and that a separate regulation is therefore necessary so as to be of general applicability throughout the State. A Bill has accordingly been drafted on the lines of the Madras Motor Vehicles Act, I of 1907.

3. The Bill provides for the registration of all motor vehicles within three months from the date on which it comes into force and it exempts from registration all vehicles registered under any similar enactment in British India or the Civil and Military Station, Bangalore. A driver's license has to be obtained for driving a car from the licensing officer who has discretion to refuse either to grant or renew a license. There are also provisions for regulating the use of these vehicles in other directions. Government have taken power to make rules regarding the various matters to regulate the use of such vehicles and penalties are provided for the breach of the provisions of the Regulation or of the rules.

4. It will be thus seen that the Bill is a non-contentious and a very necessary measure calculated for guarding the safety of the public and is drawn up on the lines of the Acts in force in the British Provinces; I therefore solicit sanction to introduce the Bill.

MR. C. SRIKANTESVARA AIYAR.—Sir,—I heartily beg to second the proposal to introduce this measure.

MR. K. P. PUTTANNA CHETTY.—Sir,—Very recently, this formed the subject of correspondence between the Bangalore City Municipality and the Government. The Cantonment Municipality have adopted certain bye-laws for regulating the traffic there, under which, it is necessary for every motor vehicle to be licensed by the President of the Cantonment Municipality, and the driver has also to obtain a similar license on payment of a certain fee. The non-existence of such rules in the city limits has made it necessary for the citizens of our own State to take out such licenses from the President of the Cantonment Municipality before they take their motor cars within the Cantonment limits. Of course, this is quite absurd and the sooner this anomalous state of things is put an end to, the better. As stated by the Second Councillor, the number of motor cars is increasing in the State day by day and it is not a day too soon that we introduce some such Act as the one that is now contemplated. It was at first thought that these rules might be brought under the Municipal Regulation but that would involve an amendment of the Municipal Regulation and would not apply to places outside Municipalities. It is therefore far better to have a separate Act that would be in force throughout the State including the Municipalities. I have not read the draft of the Bill just now placed before the Council, but I daresay it provides for everything which is required to be provided for in a Regulation of this kind. I therefore accord my hearty support to the principle involved in the introduction of such a Regulation as is now offered.

The motion was thereupon put to vote and passed unanimously.

Mr. M. KANTARAJ URS then moved that as the measure was of a very urgent and non-contentious nature it was unnecessary to refer it to a select committee and that therefore the rules of business be suspended so as to allow the said Bill being immediately taken into consideration and passed.

MR. C. SRIKANTESVARA AIYAR seconded the motion.

The Secretary then read the Bill.

MR. B. NARASINGA RAO.—Sir,—Motor accidents are becoming too frequent of late and it is necessary to introduce a Regulation of this kind to regulate and control the speed of motor cars. I have had the honor of pressing this question in the Representative Assembly of 1909 and urging the necessity for a regulation for limiting the speed of motor vehicles. Government were then pleased to observe that there were very few motor cars then and that the matter would receive attention if the motor vehicles should increase. Now that the motor cars have enormously increased in the State and the accidents have become common, the proposed Bill has therefore my hearty support.

The motion was then put to vote and carried unanimously.

MR. M. KANTARAJ URS then moved that the Bill be taken into consideration and passed.

MR. C. SRIKANTESVARA AIYAR seconded the motion.

MR. H. V. NANJUNDAYYA.—With the kind permission of the President, I beg to move two or three small amendments.

In Section 6, line 2, in the expression “above the rank of constable,” the article “a” before “constable” has been omitted by mistake in printing. I propose that the article “a” be inserted accordingly.

The next amendment is only an arrangement in printing. In section 7, you will see that clauses, (a), (b) and (c) are co-ordinate clauses; and the part of clause (c), beginning with—“and he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle”—is not a co-ordinate clause with (c), but is co-ordinate with the first para and should be printed in a separate para.

In Section 9 (f), power is given to Government to make rules prescribing “the conditions under which drivers of motor vehicles may be licensed.” I proposed to add to this “and licenses already granted may be cancelled.”

In clause (h) of the same section, I propose to read “precautions” for “precaution.”

In Section 10, as it stands there is some superfluity in mentioning the penalty along with the prohibition. There is no need to mention the penalty in this section, because the penalty is just the same as that given in the general section.

I would therefore propose to alter the section as follows:—

“After three months from the date on which this Regulation comes into force and after he has had reasonable opportunity of obtaining a license under this Regulation, no person shall drive a motor vehicle without such license or a license granted under a similar enactment in force in British India or in the Civil and Military Station, Bangalore, on a public road or thoroughfare or employ so to drive a motor vehicle, any person who is not so licensed.”

After altering the section as above, I beg to move that the number “10” be added after “8” in Section 12.

I shall now proceed to propose amendments one by one.

The first proposal is to add “and licenses already granted may be cancelled” at the end of clause (f), Section 9.

MR. M. KANTARAJ URS.—Section 3 gives also power to cancel the license.

MR. C. S. DORASAMI IYER.—Section 3 relates to three matters, viz.—grant, renewal and cancellation of a license. It is as well to have all these three conditions together instead of having only one as in the amendment proposed. It may read as follows—“Conditions under which licenses to drivers of motor vehicles may be granted, renewed or cancelled.”

MR. H. V. NANJUNDAYYA.—There is no objection. The additions are suitable.

MR. A. RANGASWAMIYENGAR.—I have had no time to consider the provisions of this Bill and compare them with others. I put before the members what just occurs to me regarding some of them.

In Section 4, sub-section 3, power is given to the licensing officer to cancel a license for various reasons. He has only to give notice of reasons which he considers necessary to cancel the license. The reasons may be various. The conditions

which Government are going to impose, would be more limited in their scope. Would it not be in a way circumscribing the discretion he has under the Regulation? The licensing officer has got full liberty, and where is the reason for fresh conditions? I suggest this for the consideration of the Council.

The motion was put to vote and carried.

Mr. H. V. NANJUNDAYYA.—I propose that for Section 10 the following should be substituted.—“After three months from the date on which this Regulation comes into force, and after he has had reasonable opportunity of obtaining a license under this Regulation, no person shall drive a motor vehicle, without such license or a license granted under a similar enactment in force in British India or in the Civil and Military Station, Bangalore, on a public road or thoroughfare or employ so to drive a motor vehicle, any person who is not so licensed.”

Mr. C. S. DORASWAMI IYER.—I second it.

The motion was put to vote and carried.

Mr. H. V. NANJUNDAYYA.—My next proposal is, that in Section 12, after the figure 8 at the end of the first line, the figure 10 be added.

Mr. C. S. DORASWAMI IYER.—I second it.

The motion was put to vote and carried.

The motion, that the Bill as amended be passed was then put to vote and carried unanimously.

The Bill to further amend the Mysore Excise Regulation, 1901.

Mr. M. KANTARAJ URS moved that in clause 1 of the Bill to further amend the Mysore Excise Regulation, 1901, the figure “1913” be substituted for the figure “19—”.

Mr. D. VENKATARAMAIIYA seconded the motion.

The motion was put to vote and carried.

Mr. M. KANTARAJ URS then moved that the Bill as amended be passed.

Mr. D. VENKATARAMAIIYA seconded the motion.

The motion was put to vote and carried.

The Bill for the Establishment of Village Courts in Mysore.

Mr. H. V. NANJUNDAYYA moved that at the end of sub-clause (1) of clause 1 of the Bill for the establishment of Village Courts in Mysore, the figure “1913” be added and that at the end of sub-clause (2) of clause 1 of the Bill the word and figure “January 1914” be added.

Mr. S. SEETHARAMAIIYA seconded the motion.

The motion was put to vote and carried.

Mr. H. V. NANJUNDAYYA then moved that the said Bill as amended be passed.

Mr. S. SEETHARAMAIIYA seconded the motion.

The motion was put to vote and carried.

The Bill to amend the Mysore Mines Regulation, 1906.

Mr. H. V. NANJUNDAYYA, in moving that the Bill to amend the Mysore Mines Regulation, 1906, be read in Council, said.—Section 17 of the Mines Regulation reads as follows:—“Any person not employed in a mine who shall have been directed to quit such mine by an order in writing signed by the Superintendent of the Mine, and who subsequently to such order remains at or re-enters upon the mine without the permission of the Superintendent, and any person not employed at any mine who shall have been directed to vacate a Government cooly colony by an order in writing signed by the Superintendent of Police, and who subsequently

to such order remains in or returns to such Government cooly colony without the permission of the Superintendent of Police, shall be liable on conviction before a Magistrate to the penalty provided in Section 19."

This has been in force for some years, and it is shown that this provision as it stands is attended with certain inconveniences. A Superintendent of the Mine has jurisdiction only extending over his own mine. If he gives a notice to an undesirable person under this section, that notice does not prevent him from going to the other mine. He can remain there with impunity until he is served with a notice by the Superintendent of the second mine. In this way, to an indefinite length of time, the man may be lurking in a place where he is not wanted. You will see that as the provision at present stands, the Superintendent of Police has got jurisdiction to issue notice in respect of only Government cooly colonies. The proposal now made to obviate the evil described above is to take away the power given to the Superintendent of the Mine and to vest that power to issue notice to prohibit the residence of undesirable persons throughout the whole area, in the Superintendent of Police. With this object we propose to amend the section as follows:—"The Superintendent of Police for the Kolar Gold Fields may, by order in writing, direct any person, whose residence within such area as may be notified by Government from time to time, is considered undesirable to quit the said area within 24 hours, and such person shall not, after the lapse of the said term, remain at, or re-enter the said area without the permission of the said Superintendent of Police."

An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate."

This makes the provision easy to work and obviates the difficulty that I described.

Then there are two slight amendments in the succeeding sections.

Section 18 runs as follows:—"No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the First Class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe."

Then follows another clause:—"Any person carrying on such business without a license as aforesaid, or acting in contravention of any of the conditions of such license, shall be liable on conviction before a Magistrate to the penalty provided in Section 19."

This sentence is considered to be an unnecessary surplusage. I therefore beg to propose that this last sentence be removed. Section 19, as it is, is quite sufficient. It says:—"Any person committing an offence under Section 17 or 18 shall be liable on conviction to fine not exceeding one hundred rupees or imprisonment of either description for a term not exceeding three months or both."

It is unnecessary to refer to this both in Sections 17 and 18, as Section 19 provides for punishing the two acts. So, I propose that the last sentence in Section 18 be removed.

A slight amendment of Section 19 also is necessary. In the Sections 17 and 18 as they stand at present, the acts prohibited by them are made offences. But when the sections are changed, it is necessary to change the words "An offence" in Section 19 into "Any act prohibited."

MR. C. SRIKANTESVARA AIYAR seconded the motion.

MR. A. RANGASWAMIENGAR.—The Bill will go before a Select Committee and it will be well threshed out there.

MR. H. V. NANJUNDAYYA.—I do not think there is any need to refer this Bill to a Select Committee. Unless it is the sense of the meeting that this should be so submitted, I do not propose to move the next proposition at all.

MR. C. S. DORASAMI IYER.—I do not know whether I may propose one or two verbal additions. For instance, I would read "the said Superintendent" for "the Superintendent" occurring in the second paragraph of Section 17 as amended.

MR. H. V. NANJUNDAYYA.—I do not see the necessity for the correction. The Superintendent of Police of the Kolar Gold Fields is the authority referred to and the definite article before "Superintendent" is sufficient to denote that no other Superintendent is meant.

MR. A. RANGASWAMIENGAR.—There is no need for a Select Committee provided you are able to devote sufficient time and attention on the Bill at the next meeting.

I think the Bill requires some scrutiny. Section 17 as proposed says that "The Superintendent of Police for the Kolar Gold Fields may, by order in writingarea as may be notified by Government." By the expression "area notified by Government" I do not know whether it is the Gold Field area or any other limited area for a particular purpose. At any rate, it is not quite clear. Some sort of explanation is necessary.

MR. H. V. NANJUNDAYYA.—The Kolar Gold Field area is not notified under the Regulation. There is no official definition of the Kolar Gold Field area. It may be within the Fields or even a little beyond the Fields.

MR. A. RANGASWAMIENGAR.—The Mines Regulation may have force within a certain area to be notified by Government and the Government may prohibit the residence of undesirable persons in that area. The Regulation may have force in that defined area and cannot go beyond it.

DEWAN.—The area may be clearly defined for the purpose.

MR. A. RANGASWAMIENGAR.—I therefore suggest that the words "either in the whole or any portion of it" may be substituted for "the said area."

I wish to draw the attention of the Council to another point. An order passed under this section may be cancelled by the Superintendent of Police or the District Magistrate. I do not know whether it is immediately after the order is passed or some time later. How long is the order to be in force? If a man is sent away on one occasion as an undesirable, does the order under which he is so sent away remain in force for all time? As soon as the order is passed, is it enough if the man goes to the adjoining country and comes back after a time? I think something should be said to cover this case.

MR. C. SRINIVASIENGAR.—Is the amendment of the Regulation acceptable to the mining authorities? And have their wishes been ascertained? If, after the amendment Regulation is passed, they say that it does not meet with their requirements, then it would be an inconvenient position for Government.

MR. C. SRIKANTESVARA AIYAR.—They are agreeable to passing this amendment. In fact, they have themselves asked for such a provision.

The motion that the Bill to amend the Mysore Mines Regulation, 1906, be read in Council was put to vote and carried unanimously.

MR. H. V. NANJUNDAYYA.—As the general feeling of the Council appears to be that it is unnecessary to refer the Bill to a Select Committee, I shall not move the next proposition in my name. The Bill will therefore be taken up at a subsequent meeting of the Council for consideration.

The Bill to consolidate and amend the Law regulating Labour in Factories.

MR. H. V. NANJUNDAYYA moved that the Bill to consolidate and amend the Law regulating Labour in Factories be read in Council.

MR. K. S. DORASWAMY IYER seconded the motion.

The motion was put to vote and carried.

MR. H. V. NANJUNDAYYA then moved that the said Bill be referred to a Select Committee consisting of Messrs. A. Rangaswamy Iyengar, M. Shama Rao, K. P. Puttanna Chetty, S. Seetharamaia and the mover.

MR. K. S. DORASWAMY IYER seconded the motion.

The motion was put to vote and carried.

The Bill to provide for Grant of Probate of Wills and Letters of Administration to the Estate of certain Deceased Persons.

MR. H. V. NANJUNDAYYA moved that the Bill to provide for the Grant of Probate of Wills and Letters of Administration to the Estates of certain Deceased Persons, be read in Council.

MR. B. NARASINGA RAO seconded the motion.

The motion was put to vote and carried.

MR. H. V. NANJUNDAYYA then moved that the said Bill be referred to a Select Committee consisting of Messrs. C. Srikantesvara Aiyar, C. S. Doraswamy Iyer, C. Srinivasa Iyengar, D. Venkataramayya, B. Narasinga Rao and the mover.

MR. B. NARASINGA RAO seconded the motion.

The motion was put to vote and carried.

The Bill to further amend the Mysore Local Boards Regulation, II of 1902.

MR. H. V. NANJUNDAYYA in moving that the Bill to further amend the Mysore Local Boards Regulation, II of 1902, be read in Council, said :—

When the Bill was brought up before this Council on 4th April last, my Honourable friend Mr. C. Srinivasa Iyengar observed that more time was required for consideration of the principle involved in the Bill. It will not be out of place if I make a few remarks on the principle underlying the proposal made by Government to introduce a new cess for the purpose of being devoted to the construction of railways—especially small feeder lines within the State. It is well known that a local cess of one anna on every rupee of land revenue and some other items of public revenue is at present levied and is devoted to be spent on certain defined objects, such as elementary education, roads, bridges and other useful works, administered by Local Boards and other authorities. If railways are taken to be only a special class of roads intended for general traffic there could be no objection in principle to devote a part of the revenue so derived for the purpose of constructing railways. But there is a fundamental difference between ordinary roads and railways. The former are as a rule open for free use by the public, whereas railways are open only to those who pay the fare prescribed. It may be quite just to maintain roads which are meant for general use at the cost of the general taxpayer. But why should he be asked to provide money for making a railway, for the use of which, fees are levied from those who resort to it for travelling or transporting their goods? The cost must come from the fees levied, and there would *prima facie* be no justification for taxing persons who may never have occasion to use the railway at all.

Viewed in this manner, the proposal to levy a special cess seems to be indefensible. But the question is not quite so simple as that. If a railway is considered to be a venture which should be solely maintained by the revenue that it makes out of traffic, it would hardly be possible to start any railway line. Even the most prosperous lines were in the beginning not self-supporting, and Government had either to find the capital required out of the general revenues of the State, or give a guarantee to private Companies who found the necessary capital. A railway running through a tract of country confers a general benefit on it and stimulates trade and industries so much that it is recognised as one of the duties of the State to provide the facility in as large a measure as it can. The rates of freight and carriage of passengers will have to be prohibitive in the beginning if they have to meet all the expenses of providing the capital and working the line. If therefore the general revenues of the State may legitimately contribute towards the building of a railway, there can be no particular objection in principle to levy a special cess, when the money cannot be spared out of the general revenues.

If the State Funds are limited, the District Funds are still more so, and cannot possibly contribute anything towards financing these projects. Following the practice of some districts in British India, we have proposed to levy a special Railway Cess. It was intended to make this three pies in the rupee; but on the

representation of some of the District Boards the matter has been further examined. We find that a three pie cess would be utterly inadequate to provide for these branch railways. The proposal first made by the District Board of Chitaldrug was to raise the maximum cess leviable to one anna. This is considered to be too heavy an additional burden and so the proposal submitted to the Council is modified so as to make the maximum cess leviable to be half an anna on every rupee. I now proceed with your permission to move that the Bill to further amend the Local Boards Regulation be read in Council.

MR. K. P. PUTTANNA CHETTY.—I second it.

MR. D. VENKATARAMAYYA.—I wish to state before this matter is referred to the Select Committee, that if there is any question of importance affecting the rate-payers as a whole in the State, it is the amendment of the Local Boards Regulation. The amendments come piece-meal. With regard to the levy of a fresh cess of six pies in the rupee for the purpose of Railways I wish to know whether the Government has in contemplation to confer certain powers upon the Local Boards before asking them to subject themselves to a fresh levy. What control the Local Boards should have over taxation and the items of expenditure, should receive the early attention of Government; and the question of conferring powers on them in this direction should be taken up early.

Hitherto the only properties whose control have been vested on these Boards are the roads, the drains, the rubbish and the culverts and nothing more. The musafirkhanas were built by them, but the control of these was not vested in the Boards. Several things have been constructed from the funds of the Board, but control over them was not vested in them. I therefore want to know whether the amendment is intended to get only more taxes from the Local Boards and not to give them control.

MR. A. RANGASWAMIENGAR.—Of course, the Government have a right to impose the taxes in the name of the Board. But the analogy in this respect between British India and Mysore is not very close. There at least, the Railway lines are sanctioned on the initiative of the Boards and the funds are found by them. Here our Boards are too poor either to take the initiative regarding the formation of the loop lines, and the branch lines or to contribute the whole fund for the purpose. They will only ask Government to take their funds into consideration and come to their help in the shape of a money grant.

As properly suggested by the First Councillor, wherever Railways are constructed, the people round about should tax themselves to bear the expenses in the earlier stages, until the railways become self-supporting. So, I think the distinction between British India and Mysore may be well brought out and explained when the Bill is considered.

The motion was put to vote and carried unanimously.

MR. H. V. NANJUNDAYYA, in moving that in the proposed new clause 1 (a) of Section 20 of the said Regulation, the words "half an anna" be substituted for the words "three pies" said.—When we framed the Regulation first, it was intended to levy the cess at three pies. But as this is found to be insufficient in many places I beg to propose that "half an anna" be substituted for "three pies."

MR. K. P. PUTTANNA CHETTY seconded the motion.

MR. A. RANGASWAMIENGAR.—I would like to make a few remarks. One fact is to be borne in mind that the rates of assessment vary very much in this Province. For instance, in tracts where we have a large area of wet land, a cess of three pies or six pies in the rupee will be sufficiently remunerative and will bring in a fair amount of contribution. But in Chitaldrug, the acreage assessment is below one rupee and that is the reason why the District Board there have suggested a cess of one anna in the rupee. Perhaps in the malnad where the generality of assessment is two or three rupees per acre of wet lands and the dry lands are very few, the three pie cess would be found sufficient, so also in the plains where although the wet lands are limited still, the dry lands command a higher assessment of one to two rupees per acre. In Kolar and other places, it is even more than two rupees. There perhaps too, six pies would be adequate. So, whether the cess should be half anna or one anna, the better plan would be to have a higher maximum and leave it to the District Board to name the rate at which such cess should be calculated on the assessment per

acre. Since the District Board of Chitaldrug has itself suggested one anna cess in Chitaldrug there is good reason to fix a higher maximum of one anna as mentioned here and not to declare the minimum. I would go further and even have a maximum higher than one anna. Although such a step would create some apprehension in the minds of the people, yet it will be more advantageous.

MR. D. VENKATARAMAIA.—Certain parts of the Province are peculiar. One portion of a field in the same locality has dry rates of assessment while the other portion has wet rates. This state of things has given occasion to the shanbhogs to manipulate rates of assessment with reference to portions of the same land. Such peculiarities do exist in many places. But the fact that Chitaldrug District is lightly assessed is due to the scanty rainfall in the district. Of course, it is true that if the rate of cess be left to the District Board they can properly come to a conclusion about it after examining the local conditions.

MR. S. SEETHARAMAIA.—Mostly in the malnad parts, the assessment paid will be heavy. The lands there consist of wet and garden which are taxed very highly. In the maidan parts they pay comparatively very small reevnué. It is only in the maidan parts that the railways can be more conveniently laid. Naturally persons in malnad may not be inclined to bear this additional cess of half anna or one anna whatever it be. Consideration will therefore have to be given in fixing the rate, to the circumstances referred to. So, I think it is better if some discretion is left to the District Boards.

The motion was put to vote and carried.

MR. H. V. NANJUNDAYYA then moved that the said bill as amended be referred to a Select Committee consisting of Messrs. M. Kantaraj Urs, K. S. Doraswamy Iyer, C. Srinivasiengar, A. Rangaswamiengar, D. Venkataramaia and the mover.

MR. K. P. PUTTANNA CHETTY seconded the motion.

The motion was put to vote and carried.

The Elementary Education Bill.

MR. H. V. NANJUNDAYYA moved that the report of the Select Committee on the Elementary Education Bill and the Bill as amended by them be taken into consideration.

MR. M. SHAMA RAO seconded the motion.

MR. K. P. PUTTANNA CHETTY.—This Bill is a very mild measure, having been shorn of all compulsory provisions. So much so that in some quarters it is feared that it does not very much improve the present state of affairs. Things are very much left to the discretion of parents and so on and too much consideration has been paid to the prejudices of the people concerned and the element of compulsion has not been made quite as strict as it should be in a measure of this kind. But beyond stating this, I should not like to say anything more against the measure. Half a loaf is better than no bread; and the public opinion while fully supporting it might in a future stage call for a stricter measure than what this Council has now considered sufficient.

I have now much pleasure in supporting the motion that this Bill be passed.

The motion was put to vote and carried unanimously.

MR. H. V. NANJUNDAYYA moved that the figure 1913 be added after the word 'Regulation' in sub-clause (i) of clause (i) of the Bill.

MR. M. SHAMA RAO seconded the motion.

The motion was put to vote and carried.

MR. H. V. NANJUNDAYYA, in moving that the Bill as amended be passed, said:—

I do not wish to make any remarks about the Bill at this stage. But I am tempted to make one or two observations with reference to the criticism that has been made by my Honourable friend Mr. Puttanna Chetty.

He began by calling it a "mild" measure, meaning I suppose a measure that is practically useless. I beg emphatically to differ from that view of the case.

Mr. Puttanna Chetty seems to think that because he himself knows the value of education and that he is in a position to educate his children and dependents in a comfortable manner, the whole country is of that state of mind; and that the poor people who have to depend upon the labours of their children and who have not enough of property to devote for the education and improvement of their children will be equally enthusiastic about a measure of this kind.

It should also be remembered that there is a limit to the good that should be expected of such a measure. The universal education provided for by the Bill can only be education of a practically superficial kind. You cannot go very far at first to make education diffuse throughout the country. Naturally, it would be the least common measure that would obtain in such matters and would certainly be useful as far as it goes. But limited education is not such a universal panacea; that, at the risk of any hardship to the people in low state of life we should force it upon them. It will be easy enough for Government to pass a Bill that three years hence there should be no person in the State without education. But before this state could be actually realized there will have to be a long and weary struggle.

As the measure stands, we have taken power to Government to enforce this measure of compulsory education in selected areas. Probably we shall begin with some of the larger towns here and there. The unpreparedness of the people is not the only restraint that will operate on the extension of this measure. The means of Government to enforce it have also to be taken into consideration. We have already begun by making primary education free throughout the State; and if we are to create schools in all the places in the State so as to enable people to resort to them and to educate all their children, it would mean enormous expense. And as probably the members are aware, the elasticity of our revenue is not very great. To cope with the increasing expenditure, we have under consideration the introduction of income-tax into the State. The extra income that can be derived from this source, cannot, after all, be more than a lakh or two of rupees; and this when compared with our present revenue will be nothing. If with about two crores of our revenue we are unable to expand education as much as we like to, it is vain to expect that we will find new sources of revenue sufficient for universal education in the State.

There is also another circumstance to be taken into consideration. It is not only enough that a few people who are the advanced members of the community and who move with the Government, have these ideas of the uses of education. At least a respectable majority of the people should possess the same views. Unless they do that, whatever measure of education you may introduce at the youthful stages of the population, is bound to be neglected soon after they leave their school. As we go on increasing education, we must also go on increasing a love of knowledge and a feeling of the value of education. Unless we do that, no legislative measure will be useful and bear lasting results. It is the prudential considerations of this kind that made the framers of this measure not to err on the side of being over-sanguine.

In the first place, Government have power to extend the measure to whatever tract of country it considers expedient. In the next place, the provisions will apply only to boys and Government has taken power, if necessary, to enforce these provisions in the case of girls also in such areas. Government have also further taken power to direct that certain classes of people, who, either by reason of backwardness, poverty or other cause, are unable to fully take advantage of it, may be exempted from the operation of the measure. These two precautions are, I think, necessary, and are, at the same time, elastic enough not to come in the way of Government extending the provisions of this Regulation to as large an area as it may consider desirable.

With these remarks I beg to move that the Bill, as amended, be passed.

MR. M. SHAMA RAO.—I beg to second the proposition and in doing so, I beg also to state that as an initial step, I think a mild measure like the present one is welcome. Mr. Puttanna Chetty is no doubt very eager that the day should come when we shall have a broader measure and I also agree with him—but I consider that that time is not the present one. It must come within a few years. When the present measure is allowed to operate for some time, it must expand, and the larger measure must come. There was a sort of compulsory education in our days when

the young learner was made to learn under the fear of the rod,—and I was myself a victim to it and ever since knowledge began to dawn upon a child, his playfulness began to be checked in the school room; and the fear of the rod was always held before him, so that he used to dread going to the school as any of us dread a poisonous snake. All those days are passed. No boy of to-day dreads school. In these days, a school generally begins with music and games, and he cheerfully attends the school even if parents are unwilling to send them there.

So, I welcome the measure which has been brought before the Council for adoption, because it transfers in a way the compulsion from the boy to the parents.

I have therefore great pleasure in supporting this measure.

MR. D. VENKATARAMAYYA.—While in the Select Committee I thought the provisions of restraint shown in the Bill were intended only as a step to make a beginning. I always thought that when a beginning was made, it would be pushed through, neither expense nor unwillingness on the part of any, being in the way of the benefits of the Bill coming to the people. It might be that we may arrive at a stage when the expansion of education may require further funds to be provided for in the general expenditure of the State. But I consider that education should be put in the forefront of the programme of the expenditure of the State and as far as possible educational facilities should be extended from the remotest corner of the State to the capital in which it is now intended to be introduced. I look to the day when education would go to the remotest corner of the State. I do consider that this is a very beneficial measure, although we only make a beginning in large towns, the State will gradually have to extend its benefits to other parts also. At present, we find that social improvement requires expansion of education for which proper equipment of schools is necessary. It is thought that it is not possible to find as many teachers as the State would require. It is a gradual method of equipment and nothing should come in the way of such equipment so that all parts of the State may have a proper staff of teachers. It is true that our finances are short but in my opinion other expenditure will have to be curtailed. The expenditure on education will have to be put as the first charge on the expenses of the State, barring those about which, no curtailment is possible.

There is one other aspect. It might be said that 'compulsion might lead people to desert their children with a view to avoid being brought under the penal clause of the Regulation. For my part, I would wish for a state of things arriving soon when the civilized Government will have to legislate to provide for the destitute and educate them. I look to the day when people would take education cheerfully and give up even their parental authority to be taken care of, in the matter of education, by the State itself. The State should come to the rescue of parents who cannot educate their children.

On the whole, I think, it is a beneficial measure and people would accept it most cheerfully and thank the Government of His Highness the Maharaja for enacting it.

MR. A. RANGASWAMIENGAR.—This is a very important measure and I take this opportunity of submitting a few remarks.

I welcome this measure as one which has been taken in the best interests of the community. Everywhere, the value of education as a *sine qua non* for the existence of a community to a certain extent is recognized and it is not a day too soon in which a measure of this kind is brought. At the same time, I attach very great importance to the valuable remarks which fell from the mover of the resolution—I mean Mr. H. V. Nanjundayya. The measure must take into consideration the needs of the community, its means, social position, its powers and resources and various other considerations. We cannot ignore the fact that hitherto, there was no obligation on the part of the parents even to feed and clothe their children. If they did it, it was a question of charity. Nobody regulated the control of the parents over their children, and as regards education, it was confined more or less to the higher classes. Even now, the popular belief is that education is useless for the lower strata of society. We must fight against this belief and gradually educate the people. I am therefore not one with those who want a measure which will change the whole country all at once by introducing schools everywhere. The resources of the Government must, first of all, be considered. If they are able to provide the requisite funds, the agency is limited. We have then to remember that

the greater part of the population is composed of ignorant classes and most of them are very poor. We must therefore advance very slowly. The cautious provisions of the Regulation are not at all unnecessary. As the ideas of education get more and more familiar and people realize that education is necessary and that it meets the ends and aims of their life, then there will be grater co-operation among the people and they will cheerfully sacrifice their ideas of comfort to achieve the greater purpose of education and will readily submit to restrictions.

So, I think, the measure is very well suited to the present needs and it is capable of expansion as facilities are found and we need not at all be sorry that the measure does not go much farther than it has done.

MR. K. P. PUTTANNA CHETTY.—I feel called upon to say a few words in explanation of my previous remarks.

I would be the last person to belittle the importance and usefulness of a measure of this kind. I believe it is conceived in the best interests of the State. What I intended to say and what I do say is, that it has not gone far enough. I shall only read to this Council some of the provisions to show that it makes the matter too mild so as almost to defeat the object in view.

Section 4 (1):—"Any of the following circumstances is a reasonable excuse for non-attendance:—

(b) that the boy is prevented from attending school by reason of..... domestic necessity, the seasonal needs of agriculture....."

Are these sufficient to prevent the parents from sending their boys to school? What I say is, that these things might well have been omitted so as to confer the fullest benefit of the proposed measure on the people at large. A certain amount of mildness is necessary, but I think we have conceded too much. That was what I felt when I said that the Bill was mild. Wherever there is a school, let us make the attendance thereat compulsory. If you make it compulsory, you will double or treble the numbers attending them. When new schools are established, it would be a pity if you don't make the conditions somewhat rigorous. If you excuse a parent from sending a boy to school on account of seasonal conditions, I fear the very object of the school would be frustrated. It would not be wise to grant exemptions so freely.

We know that the arguments which have now been used against compulsion are the usual ones used against every other measure of this kind. But we know that such compulsion has been used in other countries with success. Unless it is done in this manner, it will not have the fullest effect. Apart from saying this, I don't mean to say that the present Bill is altogether useless. On the other hand, I do hope that the day is not far distant when the learned mover of the Bill would bring forward a much more comprehensive measure before this Council. I should say that the backward classes should not be exempted. They are the very classes whom we wish to touch by this measure and they need it more than the higher classes on account of their backwardness. If the lower classes become literate, Government would be much easier, you would need less Police, and altogether the millennium for which every one is hoping would arrive much sooner than it would otherwise be.

MR. S. SEETHARAMAIA.—The Bill has been well threshed out by my learned friends here. It had already been considered very thoroughly when the Report of the Select Committee was submitted.

Having regard to the present state of society it is quite impracticable to make the measure more stringent. We cannot make people take interest in this matter by compulsion all at once. We must create interest in the matter by introducing schools here and there and make people love education and be benefited by this measure. When people are not prepared to consider these healthy measures as beneficial to them and particularly when they are not accustomed to this kind of life, and when raiyats consider their usual avocations more important and immediately beneficial to them than attending schools, we cannot make more stringent measures to compel them to send their boys to schools in spite of their domestic necessity or other inconveniences.

Having regard to these circumstances, an enabling provision has been made that in case of any such domestic inconvenience or seasonal periods of cultivation

and such other occasions when there is sufficient cause, they may keep their children away from the school. I think a more stringent measure cannot be introduced into the State at present. Of course as time goes on, more restrictions suited to the state of the society may be introduced later on. At present, I think the present measure is sufficient.

MR. C. S. DORASAMI IYER.—There is really very little to be said upon the subject as all possible views have been already placed before the Council. I may remind this Council that this is the Elementary Education Bill primarily intended for the elementary education of the masses and not to bring education compulsorily without exceptions to the door of every person. A certain amount of compulsion is necessary, a compulsion which will not be felt by parents, which will not harass them to any extent, but which will in course of time be felt by parents as intended to enable them to discharge a part of the parental duty that is due to their children. The interest which will be created by the measure will, in course of time be such as to enable parents to conceive that it is intended for the benefit of their children and as such, it ought to receive support at their hands. It is with a view to create such an interest in the parents, that the Bill has been conceived. A measure of this kind which means the spread of elementary education or in other words, spread of knowledge among the masses, is one that should receive the hearty support of this Council.

DEWAN.—Before putting the motion to the vote, I wish to observe that the percentage of literate persons in Mysore is only 6. We may be a little better than we were many years ago but that does not show that we are making any appreciable progress.

I am glad to notice that some of the non-official members think that the measure is not sufficiently strong. Mild as it is, it is a measure full of possibilities and our sincere congratulations are due to the mover of the Bill for helping us to carry through this important piece of legislation.

The motion was put to vote and carried unanimously.

The Bill to further amend the Mysore Municipal Regulation, 1906.

MR. M. KANTARAJ URS, in moving that the Bill to further amend the Mysore Municipal Regulation, 1906, with the Bill as amended by them be taken into consideration, said.—

SIR,—I now beg to place the Select Committee's report on Municipal Regulation Amendment Bill. The Committee have made only one important change in the Bill and that is to insert a clause that the provisions relating to the notice to be given to Municipalities of all transfers of title by the transferer and transferee of houses and lands shall apply to any Municipality, only if they are specially extended thereto by a notification of Government. This has been inserted in view of the fact that these provisions are somewhat exceptional in character and hence require to be applied cautiously in selected places. You will see from the Select Committee's report that a note of dissent has been made by one of its members expressing his inability to support the provisions of clause 3 of the Bill. I shall reserve my remarks on the matter as there is a direct motion in Mr. Venkataramaiya's name to omit the clause altogether.

2. I may perhaps explain the circumstances which led to the Select Committee's recommendation with regard to clause 2 of the Bill and to the next motion on the agenda in my name to restore the phraseology as it originally stood. Clause 2 of the Bill in its original form proposed to exempt one bicycle and one horse belonging to the members of the Police force of the City or the Civil and Military Station, Bangalore. The Select Committee had no definite information as to the nature of the concessions allowed by the Civil and Military Station Municipality and it recommended that either a bicycle or a horse may be exempted, if a similar concession will be shown by the Civil and Military Station Municipality. It has

now been ascertained that the new bye-law of the Civil and Military Station exempts both a bicycle and an animal belonging to the members of the City Police force. This has been passed by them on the understanding that the City Municipality grants a similar concession. It is therefore necessary that a similar provision should be made in our Municipal Regulation and hence the word "and" is proposed to be substituted for "or" in clause 2 of the Bill.

MR. K. P. PUTTANNA CHETTY, in seconding the motion, said.—When the report of the Select Committee meeting was held, I was unavoidably absent, but I wrote to the Second Councillor communicating to him my inability to attend the meeting. When the Select Committee's report was published, I thought it was desirable that a bicycle as well as a horse should be exempted because Police Officers keep a bicycle and also a horse and wrote to the Second Councillor on the subject. To exempt only one of the two would not be sufficient. I am glad that the Second Councillor has seen fit to adopt this suggestion of mine. I heartily support the motion.

The motion was put to vote and carried.

MR. M. KANTARAJ URS then moved that the word "and" be substituted for the word "or" substituted by the Select Committee in clause 2 of the said Bill.

MR. K. P. PUTTANNA CHETTY seconded the motion.

The motion was put to vote and carried.

MR. D. VENKATARAMAIA, in moving that clause 3 of the said Bill relating to registry of names be omitted, said.—

To the reasons that I have already stated in my minute of dissent, I beg to add one or two more.

On 4th July 1893, as a member of the Bangalore City Municipal Council, I submitted a proposition to the following effect:—

"That it is necessary that a regular survey of the lands, houses and buildings within the Municipal limits shall be made before the revision of the taxes." This was carried by the full Municipal Council and a survey or list as required by the Regulation in force in 1871, was prepared and afterwards a revision also took place in the City in all the Divisions. There was not a single doubt expressed either on that occasion or on any subsequent occasion in the Municipal Council that a measure of this kind was necessary. It is not stated while asking for a provision of this kind whether the Municipal Council of the City of Bangalore or for the matter of that, the Municipal Council of the City of Mysore, in meeting assembled, asked for a provision of this kind. Even in the existing Regulation, there are ample provisions for the preparation of lists. Under Section 11, "the Government shall, from time to time, generally or specially for each Municipal Council.....(c) make rules consistent with this Regulation, for (i) fixing the dates and the time and manner of holding elections.....(ii) prescribing the number to be elected by the ratepayers or by sections of inhabitants..... and the qualifications of candidates and of voters other than as hereinafter provided."

In this, before the election takes place lists are required to be prepared and published. If any omissions are to be found in the lists or if certain names are not to be found, time is given to the ratepayers to go and state their objections and the lists are amended or corrected. And then Section 12 (c) says "Every person who for the like period, has been paying taxes; other than octroi or toll, imposed in that Municipality, of an amount not less than such minimum as shall, for the time being be fixed for that Municipality by the Government shall be qualified as a candidate.....".

Again under Section 68 of the existing Regulation "every tax imposed in the form of a rate on buildings or lands or on both shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed.....".

"Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due as bears to the whole amount due the same ratio, which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands or to the aggregate amount of the letting value thereof

if any, stated in the authenticated assessment list whichever those amounts is the greater". While each provision goes far enough and the above section makes provision for maintaining an authenticated assessment list which is to be prepared once in four years at least under Section 67, I don't see any necessity for the new provision suggested by the Select Committee. In Section 63, ample provision is made in cases of doubt where the executive find that the name is not known or that it is not capable of being known. In such cases, they can take the help of the Councillor of the Division or any person who can give the information and prepare the list every year. Under clause 3 of Section 63 "on the requisition of the Municipal Council or of such person, the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature:—

- (a) as to the name and place of abode of the owner or occupier or of both,
- (b) as to the dimensions of such buildings or land and the annual letting value or other valuation thereof."

Section 64 provides:—

"When the assessment list has been completed, the Municipal Council shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier.....shall be at liberty to inspect the list and to make extracts therefrom without charge."

Section 65 says:—

"The Municipal Council shall, at the time of the publication of such assessment list, give public notice of a time not less than one month thereafter, when they will proceed to revise the valuation and assessment....."

All these things do exist. If the executive did not look into the provisions for these things, it is no excuse for them to come before this Council to plead for such a Regulation.

I wish to draw the attention of this Council to the fact that such a measure nowhere finds a place throughout India except in the City of Bombay. And that the other councils that exist in India in large numbers do not require a measure of this kind is plain proof that they do not see the necessity for it. If such a provision is necessary or needed, I think the first duty of the Municipal Executive is to place the matter before the Municipal Council and call for their opinion and then judge the need for legislation. In this instance, it is not stated, in the objects and reasons given for the provision that any Municipal Council in the State required a provision of this kind to be inserted in the Regulation. Even if it is inserted, what is the benefit after all? It will only import doubts where none existed and who is to decide the question as to who is primarily liable to pay the tax? If the owner is not forthcoming, we look to the occupier. Why should we under these circumstances make provision for some other name being given? Suppose there is some delay in giving the name, should the executive then take advantage of this for delaying collection of revenue? We find cases in which transfers of pattas for some reason or other was delayed for years together. Many of these cases may refer to a question of right of ownership of the property requiring the decision of a Civil Court. If the power such as is proposed in the measure is given to the executive, it is now likely that it would be abused, with the result that while doubts as to ownership are created, no revenue is collected.

There is yet another aspect. Even under the Revenue law, although there is a provision that receipts should be granted only on the patta book and not on any other paper, shanbhogs in many cases, violate the rule and issue pattas on small bits of paper which are lost or mislaid very soon, thus throwing doubt on the question of the actual payment of the revenue. If such loopholes are allowed, it will be extremely difficult to rectify them and the collection of revenue would be considerably delayed.

I do not see any necessity made out for a provision of this kind and if it is now brought into existence it would create more dilatoriness in the collection of revenue rather than accelerating it which latter ought to be the prime object of the provision.

I may refer to one other aspect. The Land Revenue Code makes the payment of revenue a primary charge on the property, which may be sold if need be for the recovery of the taxes. But here, if it is left in arrears, we have only to resort to Civil Courts. Hence, the sooner the Municipal taxes are collected, the better it is for the Council to maintain the affairs of the Municipality in an efficient standard. If it is allowed to fall into arrears, probably the Council would be required to go to Court to recover the amount by a decree of the Court. If once a loophole is created in the Regulation itself tending to delay in the recovery of the revenue, the Municipal Council will be subjected to law's delays. This is a serious aspect. If this measure is viewed with favor by Government we will find very soon that the Municipal Council will have to file hundreds of suits against owners for the recovery of arrears which was never the case before in the Municipal Administration of the Bangalore City. I consider that it is a waste of Municipal money to spend on going to Courts for the recovery of small arrears which will have been left uncollected after the passing of this measure. It may be that during some part of the Municipal Administration, there was laxity on the part of the Executive, but that should not be the reason for passing a measure of this kind when we have better officers as we have at present, under whose management, our affairs are bound to improve; and with the preparation of the lists now ordered to be prepared, the collection also is bound to improve.

On these considerations, I propose that this clause be omitted.

MR. S. SEETHARAMAIA.—In seconding the amendment, I wish to submit that there must be a necessity for introducing a measure of this kind. Such necessity has not been made out. For some reason or other, owing perhaps to want of activity on the part of the Municipal Executive, the collection of taxes in the Bangalore City seems to have remained unsatisfactory.

DEWAN.—Now in fact, the complaint everywhere is that the taxes are collected more rigorously.

MR. S. SEETHARAMAIA.—The complaint of want of activity may have disappeared now after the new President took charge of the Municipal affairs. But at any rate, if this measure is introduced, we will have to consider whether it will help the collection of arrears in any way. The measure provides that within three months after its introduction, the transferers and transferees of lands or houses must report in the prescribed form, or rather give notice of such transfer to the Municipal Council. There may or may not be transfers within three months. By virtue of this provision, no help can be expected in the matter of collecting the arrears. This measure, moreover, cannot have retrospective effect. So that, practically, this measure cannot meet the necessity for collecting the arrears due. But, for the future guidance at least, is there any necessity for the provision? The provisions of the Municipal Regulation read out by my Honourable friend Mr. Venkataramaia clearly show that every provision is made for the collection of arrears and the current dues. There is no difficulty for collecting current taxes now. A little more activity on the part of the collecting officers, such as ascertaining the details of the properties from the persons liable to pay the taxes, will easily tend to prompt collection. There is thus neither a necessity for introducing this measure nor would it help the collection of arrears. The provision is quite unnecessary to the Municipal Executive while on the contrary, the inconvenience and disadvantage to the public would be very great.

There may be persons who cannot ordinarily be expected to give notice of the transfers, to the Municipality conveniently within the period prescribed or even with double or treble that time given them. There are a good many ignorant people who cannot be expected to know the technicalities of law, and submit the required information in the prescribed form and within the prescribed time to the Municipal authorities.

There is an analogous instance of a more important nature, namely in the matter of transferring holdings. Unless the people are intelligent and active and have got facilities for attending Courts and having their *vargs* (holding) transferred, these are not transferred at all even long after the lands are transferred. When such is the case, in the matter of these houses owned by poor and illiterate people it is very great hardship to them to get hold of prescribed forms, get them filled

up in time; produce them before the authorities and so on. There may also be instances of a more difficult kind. The owners of certain lands may die leaving helpless widows and children who may be minors. They may be concerned with the miseries of their lot and cannot be expected to attend to these matters and fulfil these formalities. In so many ways, it would work hard upon the people and would be very disadvantageous to them. The advantage to the Municipality too is very little, in fact it is nil. So, I submit that this measure may not be approved but eliminated as proposed.

MR. K. P. PUTTANNA CHETTY.—Sir,—I think there is an undercurrent of feeling in this Council that I am in some way responsible for this measure. It is far from it. But since the Honourable the President wishes to know my own views, with due deference to the mover, I would submit what I think to be the present aspect of affairs.

I do not know if the measure is aimed at the Bangalore City Municipality, or at all the Municipalities. Evidently, it is not intended to extend it to minor Municipalities but only to the two premier Municipalities of Bangalore and Mysore.

Mr. D. Venkataramaiya took us into all the mazes of the Municipal Regulation and very lucidly explained that the Municipality has got to maintain what is called an assessment register. I am not here to tell tales about my Municipality or any other. But since you have pressed me to express my own opinion about this clause, I may say that such assessment register is not maintained in the Bangalore City Municipality. We have been in existence for 40 years and the register required to be maintained under the Regulation has not been maintained, and the shanbhogs collect the taxes—Heaven knows from whom—because the names of the people who are responsible for the taxes are not shown in any register of the Bangalore City Municipality. The shanbhogs are the repositories of all the secrets about the lands and buildings and about their owners or occupiers. If the lists under the Regulation showing the name, door number, street, rental value and the assessment had been prepared from time to time, a great step would have been taken to make the collection work easy. But such is not the case at present and I am sorry, we have to depend on the personal knowledge of the shanbhogs for every little thing. The Municipal assessment is recoverable not only from the owner primarily, but also from the occupier or other person, and a department which cannot say to whom a particular property belongs can do very little in the way of collecting the arrears. There are thousands of instances in which the properties have changed hands and nobody knows about them. We have entirely to depend upon the personal knowledge of shanbhogs. Suppose we have now an assessment register prepared for the whole city—of course a work of great labour—and transfers take place almost every day. It is a very difficult thing to know how these properties change hands. This duty cannot be shifted on to the shanbhogs. Once in a way, they come to know that the property has changed hands. But they cannot know how it has come about. Suppose a man sells a house to another person, does he not execute an instrument of transfer, a sale-deed and does he not go to the Registry Office? We do not even want him to go to the Municipal Office. We only ask him to send an intimation of the transfer in any form. To simplify matters, a certain form has been prescribed in which the intimation is to be given. What harm is there in this? When a man takes the trouble of going to the Registry Office and does many other more troublesome things which the Civil Law requires him to do, can it be hard for him to do a small thing—to merely intimate the transfer to the Municipal Office? Where is the necessity for lament and for assuming all those disastrous consequences so vividly depicted by my friend? I think a provision of this kind will facilitate collection and will not place the executive entirely in the hands of the shanbhogs as at present. Then again why should the obligations be all on one side? Why should not the public also have some obligations cast upon them? The Municipality should do this and the Municipality should do that; but why not the public help the Municipal officials by sending them intimations of the changes of title? It is a very simple thing and one which does not impose any fearful amount of work upon the people.

Secondly, I know it has nothing to do with the collection of arrears. We want to maintain a register in a complete form, for which purpose we want to

know what changes take place in the titles. If the owners are required to do it, and if they do not do it, some penalty should be imposed on them. The penalty may be small, but some penalty should be imposed.

Then, as regards the other observations made by my friend about the Municipal officials, I beg to say that these officials are certainly not perfect and are full of human imperfections and that a general need for an amendment like the present measure is much felt by them. And as for doubts being created where none existed, it is not a question of creating doubts, but we do not want to act upon the verbal statements of shanbhogs but upon the written statements of the parties themselves; so that from the present unsatisfactory state of dependence on the shanbhogs, we resort to a system of dealing direct with the parties concerned and not submit the Municipal Office to the mercy of its shanbhogs.

It is stated that the Municipal Regulation does not give power to the Municipal Council to recover dues by summary process. But it has to be stated that the Municipal Law has a much more summary process now available in the Regulation than is to be found anywhere within the four corners of the Land Revenue Code, *viz.*, distraint and sale of property.

It has also been said that a provision of the kind under consideration does not exist in any other Municipality than Bombay. It is true. But our Regulation is based upon the Bombay Code and so there is nothing very much out of the way, when we accepted the provision in force in the Bombay City. But at this stage, we need not compare ourselves with the Presidency towns.

For these reasons, I would say that there is nothing very formidable in the very simple proposal put forward and which has been passed by the Select Committee. The Select Committee has further modified the proposals by saying that it is applicable only to such of the Municipalities to which it may be extended by an order of Government, and any fear that may be entertained is laid at rest by this provision.

I therefore think that there is no fear in accepting the opinion of the Select Committee. But as regards the penalty, I am agreeable to reduce it so as to bring it down even to Rs. 5. Taking all things together, I think we need not entertain any great anxiety as to its consequences.

MR. D. VENKATARAMAYYA.—Sir,—With your kind permission I beg to say a few words. Mr. Puttanna Chetty has touched upon only one point out of a hundred. He touched upon the point of transfers by a written instrument or by registration. But what is the law that we have before the Council now? It reads as follows:—

Whenever the title of any person primarily liable for the payment of a tax imposed on any premises in the form of a rate on buildings or lands or with, to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred, "shall within three months after execution of the instrument of transfer, or after its registration, if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer in writing to the Municipal Council". That is one portion. Another portion is.—"In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to the Municipal Council within one year from the death of the deceased". Here the law requires notice to be given not only in the case where there is a written instrument executed and registered but also in other cases where the law does not require a transfer to be made in writing.

Under the Hindu law, a property may pass from one to the other without any writing at all. Is not then, a duty cast by the proposed revision on every individual living in the city, quite opposed to the Hindu law? The Mohammadan Law also does not require a thing like that. Why should such a duty not required by the Civil Law, be cast on the people? The duty which this law requires is that such a thing should be given notice of within three months. That is a duty which no other law in the Mysore State casts upon a citizen in the city of Bangalore. If the Civil Law does not require a document to be registered, how can such a duty be cast when the Municipal tax is not paid?

The second aspect is—suppose a man in the Hindu family dies, who is the man that should give notice after the death? Can Mr. Puttanna Chetty give an answer in the present state of Hindu society or Mohammadan society or for the matter of that in the state of society where there is marriage from one caste to another or where there is concubinage whether recognized or unrecognized? Thus, therefore, duties are cast upon individuals where the caste injunctions do not require them. In highly civilized societies where the people are sufficiently educated, it is easy enough, although it must involve complicated inquiries and other considerations before the necessary transfer is effected. But the question is whether a provision such as this is quite necessary for the collection of taxes. Our Regulation expressly states that in the absence of the owner, the occupier has to pay the tax. When we have an actual provision like that, why go in search of a phantom?

Mr. Puttanna Chetty said that all that was required to satisfy the provision was to give an intimation to the Municipality of the transfer, etc. But suppose somebody for a joke sends a letter by post to the Municipality intimating a certain transfer of a particular property. Would he act upon it and proceed upon the owner for failing to pay the tax?

It is not possible for any Municipal official to undertake to settle questions of title, and other attendant circumstances involving trouble and complications of inquiry. If it is only a question of posting a letter of intimation any mischief-maker can do it. Can you act upon it is the real difficulty.

MR. A. RANGASWAMIENGAR.—I think what fell from Mr. K. P. Puttanna Chetty himself is a sufficient argument against this provision. The provision seems to imply that the Municipality had to maintain a register for recording the alterations and that it has not been so maintained. Mr. Puttanna Chetty made a fatal admission when he said that he had no register and that the shanbhogs were the repositories of all the secrets of title. What will the Municipality do if a notice is received? The best plan would be to wait till the register is prepared and then take action. The wording of the section itself is objectionable. There is no object gained and the penalty proposed is altogether incommensurate. The code assumes the liability of the owner to pay the tax, and in his absence, of the person who is actually in occupation. Failing to recover the tax from the owner the Municipality is authorized to collect tax from the occupier. Before this can be done, the Municipality has to give notice. How will it give a demand notice unless in some form or another, it is in possession of some information as to the owner or occupier? If this be the position, the Municipality has only to proceed against that occupier; and in order to escape the liability, that man will, of his own accord, come forward and say "I am not the occupier, he is somebody else." You have got the whip in your own hand. Until he shows he is not responsible, you can easily throw the burden on him. Instead of doing that, you want to make somebody else responsible. Even under the Revenue law, Kabuliyats and Vargrajinamas are not presented at all for years together. Still the Revenue officials are able to collect the assessment. Why should a Municipality—treated like a private individual, which should go to law like all others—why should it have a luxury of a written notice sent to it; and as pointed out by Mr. Venkataramaiya have a dubious notice? I think, the provision is, objectionable in many ways. And the section itself is badly worded.

I therefore think that the Council will do very well to allow this to be more clearly worded in a workable manner and only after the register is maintained in such form as is required, consider the necessity of granting further relief.

MR. H. V. NANJUNDAYYA.—We are disposed to accept the substance of the discussions here. But as it will become necessary to omit the whole of Section 3 and by this step some of the other useful provisions will also be left out, we are disposed to recast the provision by omitting the penalty clause.

I therefore beg to move that the discussion of this question be postponed till the next meeting.

MR. K. P. PUTTANNA CHETTY.—I second it.

The motion was put to vote and carried unanimously.

The Mysore Muzrai Bill.

MR. H. V. NANJUNDAYYA, in moving that the report of the Select Committee on the Mysore Muzrai Bill and the Bill as amended by them be taken into consideration by the Council, said.—

I rise to move that the report of the Select Committee on the Mysore Muzrai Bill with the Bill as amended by them be taken into consideration.

The Committee unfortunately missed the valuable co-operation of Mr. A. Rangaswamy Iyengar who was not able to attend the meetings, but the other members (Messrs. C. Srinivasa Iyengar, Amir Hassan, K. P. Puttanna Chetty, C. Srikantesvara Aiyar, Seetaramayya and myself) have been able to submit an unanimous report. This is a matter for some satisfaction, for the measure is somewhat novel in its provisions, and has been criticised from different points of view.

When I had the honour of introducing the Bill at the last meeting of this Council, I described at some length the different subjects dealt with therein. For the sake of making the arrangement clearer the Bill has been divided into five chapters. The chief alterations made by the Select Committee are contained in clauses 13, 18, 21, 23, 25, 26, and 28.

A new provision has been inserted for inspection and verification of accounts kept by managers of charitable institutions.

The rules for the investment of trust money have been made more exact and securities of the Government of Mysore and investments authorised by the said Government are included among those allowable for the investment of trust funds.

Appeals from the decisions of Assistant Commissioners which under the original draft went before the Government are made to lie to Deputy Commissioners.

The provisions contained in Chapter III are made applicable to institutions similar to Mathas such for example as Musalman Religious Institutions.

In dealing with mismanagement of Mathas it was intended to give power to Government to take cognizance of complaints about gross dereliction by a Mathadipathi of the Dharma of his Asrama. It was not meant that Government should give ear to petty or frivolous complaints under this head; for that would entail an intolerable amount of interference in the religious concerns of such an institution—a task for which moreover the machinery of Government is quite unsuited. The reference was to cases of such a gross and notorious character as to deprive the Mathadipathi of the right to continue in his exalted position in the eyes of the whole world. A few cases of this kind have occasionally come before the Courts and been decided against the Mathadipathies. It was considered while framing the Bill that it would be more in the interests of the Mathas and in keeping with the high esteem with which they are regarded by the general public to keep even such exceptional cases outside the cognizance of the ordinary tribunals, but it was felt by the majority of the members of the Select Committee that the subject was one of peculiar delicacy and so far removed from the ordinary sphere of a secular Government that it should be left to be dealt with by the body of disciples owing allegiance to the Matha concerned. Accordingly this clause has been removed from the Bill.

In dealing with enquiries about mismanagement of these institutions, it was considered more in keeping with the status of these institutions and the exceptional nature of the proceedings that the enquiry should always be held by a special tribunal and accordingly the distinction between major and minor institutions has been removed in clause 26.

One of the sub-clauses of clause 28 was to the effect that Government may take such steps as are necessary in accordance with law and usage to appoint a proper Mathadipathi. It was not the intention of this clause to introduce any innovation into the method of electing Mathadipathies or to assume any power on behalf of Government in that respect; but as however the provision has been widely misunderstood, the Committee has omitted it altogether.

I may as well take advantage of this occasion to notice some of the more important criticisms that have been directed against the measure as now placed before the Council.

It has been said that there is no need for such a Regulation, that the rules and orders of the Muzrai Department of Government are sufficient to conserve the interests of such institutions if properly administered. It is sufficient to meet this objection by the fact that the Bill has been welcomed by many others as a useful piece of legislation which has been long felt to be needed. In fact, Government had the subject long under consideration, and the desire was the result of a wish to supply a desideratum. Moreover the objection loses all its force when it is seen that a regulation is merely a more formal and exact way of giving force and precision to rules and orders.

The next objection deserving notice is that too much power has been reserved for executive officers of Government. The provisions of the Regulation referred to are contained in clauses 9, 10, 11, 14, 33 and 36. The first remark I wish to make about such provisions generally is that in the absence of such power, the only course left to the Muzrai officers for achieving the objects aimed at will be to go to Courts for enforcing them. The Code of Civil Procedure contains a provision that suits of this kind may be filed by an officer of Government or by two or more persons with the consent of such officer. I am not aware of a single suit filed by the Deputy Commissioner and I know of but one or two cases filed by private parties with his consent. In respect of public charities, in which the interests of individuals are not intimately involved, the trouble generally is not that steps are vexatiously taken by public officers or by private persons acting in public interests, but that the persons who might vindicate such rights are apathetic and indifferent and do not care to undergo the worry and expense of litigation. We have therefore thought that if power is given to the officers of the department to institute an enquiry and take the required steps to safeguard the public interest, there would be more likelihood of such misdeeds being brought to book. No injustice to private individuals need be apprehended in such a course. In the first place, the revenue law and procedure supply many analogous instances of such proceedings, and it has not been found that they result in any substantial hardship or injustice to private persons. Muzrai Officers like Revenue Officers are responsible public servants and they may be trusted not to seriously abuse their powers when dealing with such quasi-judicial cases coming before them. The Regulation has created at the same time sufficient safeguards to prevent the injustice to individual rights. Clause 12 provides that the party against whom an order has been passed under clauses 9, 10 and 11 may file a suit in the District Judge's Court within six months, and that the order of the Muzrai Officer should not be brought into force for such period or except in accordance with the result of such suit; and also that such orders in important cases shall be brought into effect only after obtaining the sanction of Government.

Clause 14 refers to the wrongful alienation of charitable inams. Under the Inam Rules, the Deputy Commissioner has at present the power of taking action in such cases. The object of this provision is to transfer such power in ordinary cases to the Muzrai Officer. This is not a new provision and does not create any new hardship. In fact, objection has been taken in various quarters to the limitation put in that adverse possession shall not be disturbed after 12 years, as being unduly against the interests of the institutions concerned. The limitation, it may be observed, refers only to proceedings in the Muzrai Department under this provision and does not affect whatever power the Revenue Officers may at present have under the Inam Rules.

Clause 33 regarding the adjudication of pujari rights is not a new provision. It only renders the existing provision more regular by inserting it here. Clause 33 is a new provision of the same nature, and properly finds a place in this chapter.

Moreover, in all these cases, it should be remembered that Government has the power of correcting errors on appeal or revision.

The next important point that I shall notice is that we have not struck any new lines of improvement, but have satisfied ourselves with mainly reproducing the orders already in force. This criticism is to some extent neutralised by those

that I have already noticed, but it deserves some further consideration. In matters of this nature touching the interests of a great portion of the public, it is necessary that we should be cautious and that, if we err, we should err on the side of conservatism. It has been said, for example, that we should have created an electorate of disciples for the selection and appointment of new Mathadhipathis and created committees of management for the affairs of all Mathas. I have already noticed the objection raised that we were attempting to arrogate too much for the State in the matter of appointing new Mathadhipathis, and shown that the view was baseless, and that notwithstanding, we had modified the offending clause. The opposite view is likewise one that Government finds it impossible to countenance at present. Whatever the law or usage may be about the election of new Gurus for Mathas, Government has no more wish to assume any power for itself, in this respect, than to hand it over by a positive enactment to an electoral body among the public or among the disciples of the institution. Perhaps the provision may be efficacious, whatever may be said of its expediency, if all our Mathas had their following and their property exclusively within the State; though even that would be doubtful where the religious beliefs and ceremonies of the adherents come in conflict with the ordinances of the State. But when it is seen that our most important institutions of this class have wide and important interests outside the State, the inexpediency and uselessness of our making an attempt in these directions is quite clear.

Wherever possible, we have made provision for taking the popular side of these institutions into account in the provisions we have made. The institution of Dharmadarsis is meant to enlist the help of local men of standing in the work of management. Whether such men are elected by the public of the places concerned or selected by Government is a subordinate matter. If election should be felt to be better, Government may at any time by an executive order direct that Dharmadarsis to be appointed may be ascertained by election, as has been done in the case of members of this Honourable Council elected by the members of the Dasara Representative Assembly. The rule of election has been adopted to some extent in clause 35 concerning the appointment of pujaris.

I venture to trust that these observations will convince the Council that we have not, on the one hand, introduced any revolutionary rules in this Regulation, and that on the other hand we have not refrained from inserting new provisions considered expedient or useful. This is the first attempt at Legislation on an important and delicate subject and it is therefore necessary that we should be cautious; but I am sure that as we have further experience in working the provisions we shall discover and be able to adopt such improvements as may be found necessary or desirable.

I now beg to move that the Report of the Select Committee and the Bill as amended by them be taken into consideration.

MR. C. SRINIVASIENGAR.—To me has been assigned the formal duty of seconding this proposition which has been so ably moved by the learned member in charge of the Bill. In rising to discharge that duty, I beg to say that the measure is practically a piece of original legislation dealing with a subject of considerable difficulty and complexity. Attempt has been made to steer clear of the shoals and quick-sands with which the subject is surrounded and it is my humble opinion that this attempt has been a success. The Bill was drawn up with considerable care and at the several meetings of the Committee, it received more than the ordinary amount of scrutiny; and the wonder is, considering the importance of the subject, that the alterations made to the original Bill are so very few.

If I understand the literature on the subject aright, the measure has been subjected to criticism on several grounds. One criticism advocates a policy of inaction and noninterference and adopts for its motto, the principle of "let alone." It seems to me that if this criticism were adopted, we would be no wiser and no better than we are, whereas there is an urgent call for codification, for systematization and for laying before the public, in an easily assimilable form, the law on the subject of Muzrai Institutions in the State.

Another criticism is strongly in favor of proceeding at a breakneck pace, irrespective of local conditions and reasonable requirements. The last one which I pre-

fer to the other two recommends our hastening slowly having regard only to the present needs of the country.

The Bill as at present before the Council seems to me to be eminently calculated to meet a long-felt want. It is as unambitious as it is likely to be beneficial. Particular care has been taken to avoid wounding popular susceptibilities or going beyond the necessities of the case. Very little that is likely to be objectionable has found a place in the Bill which I submit has been drawn up with all the care and consideration that its importance demanded.

With these observations, I commend the measure to the Council for adoption without hesitation.

MR. D. VENKATARAMAIA.—I heartily approve of every observation made by my learned friend before me on the subject. It gives me very great pleasure to give my hearty support to the measure before the Council. Hitherto, the institutions which could be brought under legislative influence did exist and disintegrating causes which made people not to take much interest in them, brought about their ruin in many a large town. A measure like this creates interest in the people of the locality to take care of their institutions in some form that could be acceptable not only to the people of the locality concerned but to the people who would be affected by these institutions. No rules or regulations existed hitherto; a kind of custom or practice alone prevailed. But on account of differences among the men of the locality or on account of other causes, splits arose and many good institutions came into disrepute. Any measure which would go to improve the existing conditions would be most welcomed by the people as a whole and by the community which would be particularly affected by it. Especially a measure of this kind is the first attempt made to regularize the custom, in a most careful manner. For defects which are not now quite apparent, time will come for amendments being brought, if good reasons are shown for that purpose. It may not be perfect, but so far, all the attention bestowed on it has been careful and conducive to the welfare of the community.

MR. A. RANGASWAMIENGAR.—Sir,—With your permission, I would first observe that I was selected as one of the members of the Select Committee. Unfortunately owing to my absence from the station, I had not the privilege of co-operating with my colleagues and so, had no opportunity of explaining my own views so as to make such modifications as, in my opinion, would make the measure more useful and workable.

However, in the present case, I welcome the measure; as it is, the proposal to have a Regulation is certainly commendable, and the drafting has been very ably done; but all the same, I wish to place before the Council that it has not been drawn on the most desirable lines. For instance, I would say that as observed by Mr. Nanjundayya, the need for the Bill has not been clearly made out. It is nowhere said what the number of institutions is, nor the amount of bequests and endowments or in how many cases, there has been gross mismanagement which has not been capable of being efficaciously dealt with under the present conditions. There is no explanation at all on these points.

Another point on which I would speak is: hitherto, the Government had the sole power of management of the Muzrai Institutions. The Deputy Commissioner was the Muzrai Officer. We had and we have a Muzrai Superintendent. And how have we progressed? There are only a limited number of institutions dealt with even now. But this Bill provides for wholesale jurisdiction over all institutions that can be called charitable or religious institutions. Where is the agency, how is the Regulation to be worked if it should become law? And after all, is this the best method of dealing with them? Everywhere the general tendency has been to criticise the vesting of too much power and responsibility in the executive. Especially in Mysore where the right of a private individual to resort to Court is very much limited against Government Officers although I notice here a provision for these people going to Court—still there is the same amount of absolutism which detracts from the usefulness of the measure.

Again, although Dharmadarsis are referred to, they are only required for attending to the ordinary duties, and as we know, they know very little and do very little. In an institution under our very nose in the Fort, I find that Dharmadarsis

of good position and standing, men of sound education, have very little power. The Amildar's clerk is more powerful than the collective body. In a measure of this kind which touches the religious and charitable instincts of the people, the better plan would have been to enlist the co-operation of private agency, what I would call "Village Panchayets," local bodies, etc. If, in this measure, an attempt had been made to constitute committees to deal with Muzrai Institutions, we would have proceeded upon more enlightened lines. That is another point.

These are the general considerations which I would place before the Council.

The next point is, as I said, the Bill is too ambitious. In the definition about "Muzrai Institutions," every temple, mosque or other place of worship or religious service, and chatra or house of feeding or rest for travellers without charge, or other institution of a religious or charitable nature which is now actually in the sole charge of Government or for the support of which any annual grant in perpetuity is made from the public revenues or an inam has been granted and is recognized and registered at the Inam Settlement as a Devadaya or Dharmadaya grant, etc., etc., has been included. There is no limit as to the magnitude or as to the amount of the funds of an institution which can be taken up for enquiry. The Amildar is the Muzrai Officer for the taluk and the Deputy Commissioner is the Muzrai Officer above him and there is no other agency which can deal with the investigation. What establishment have they? Are they likely to do justice to the duties expected of them? It is this that makes me feel that the Bill as it is, is open to serious objection.

Again, about the pujaris and others, who are the voters? There is the same vagueness in this particular as there is in the Municipal Regulation which we discussed a few minutes before. Where is the guarantee that the man will not be a renegade afterwards? It is all good enough on paper. But whether it is likely to be free from corruption and mismanagement should be the first thing to be considered. Unscrupulous and dishonest officials will have means and opportunities of interfering with the institutions and bringing them to trouble. On the whole, therefore, I have got very serious doubts about the efficiency of this measure. The lines to be adopted for dealing with such institutions should be quite different. If I may quote for instance, the practice in British India where they want to enlist the co-operation of respectable men of standing, I may refer to Conjeevaram where they have got a Board of control from Madras and other places, consisting of men of position and enlightenment.

I would therefore strongly urge for the consideration of the Council that this Bill be allowed to go back to the Select Committee for adding certain provisions with regard to empowering committees of respectable men in each district to devote some sufficient time for institutions within each district and in order that they may have a list of institutions that are likely to be affected by the measure. As it is, is the mover of the Bill able to say how many institutions there are in the State? and what is their worth? are they worth Rs. 50, or Rs. 5 or less a year?

As regards the inams, they are of various kinds, some are *padithara* and some are endowment grants; there is no clear law on the point and it is left to the sweet will and pleasure of the Muzrai Officer. Have you got clear Muzrai Rules? If so what departures are made from them in the Regulation? In what respects have we improved upon them? The Bill, I admit has been drawn up by an intelligent mind. But it is all *a priori*. Is this the way to legislate? A legislation must take into consideration the previous laws and the existing rules and the bodies or institutions which it proposes to deal with. On all these points, there is no information. I think this is not the way to proceed with legislation. It is not my object now that the whole thing should be upset. I only say that it is not a proper piece of legislation and that it should not be passed in this form.

MR. B. NARASINGA RAO.—This is a measure, no doubt, as submitted already, a novel one. But after all, the Bill does not enact any new law which did not exist hitherto. All the old circulars and standing orders which were a forbidden fruit to the public have been put in a proper form so as to define the duties and rights in a proper manner. We wanted that the Muzrai Laws should be understood by all, for which purpose the rules and regulations have been systematized. It is not necessary for us to know the number of Muzrai Institutions or the number of instances of gross mismanagement. We are not unaware that there

has been mismanagement at least in some of the institutions and as such the Council will be pleased to note the measure is not an uncalled for one. This Bill has been before the public for a long time. I believe, it was also placed before the Representative Assembly and it elicited an unanimous approval. We are aware, especially in small villages, there are inams which are being enjoyed by patels and shanbhogs—inams intended for the temples which are not now in existence. It is impossible for the Government to move in the matter or for the people to take the initiative without a codified law defining rights and privileges. It was submitted that there will be a lot of worry to the people. Of course there is no worry at all except it be to the people who are abusing the trust. If they misbehave still, then alone Government steps in to set them right. It is the interest of the Government to see that these charities are properly administered and the intentions of the donors are carried out. I therefore submit that the Bill has my hearty support.

MR. C. S. DORASAMI IYER.—I also rise to support this Bill which has come in its present form from the hands of the Select Committee, which consisted of many able members competent to deal with the subject. Objections have been put forward for the Bill not being acceptable in this form, on various grounds, one of which is that the legislation does not in any way throw more light than the existing rules. But the fact is that much light is not thrown by the executive orders now in force. The preamble itself clearly states what the object of the Bill is. It may be seen that this Bill was introduced for the purpose of “consolidating and amending the law relating to the Muzrai Institutions in Mysore and to provide for certain remedies.....” This is not a consolidating Act in the sense that previous acts and statutes consolidated. There was an absence of any legislative enactments hitherto on the subject and consequently the publicity required for the law regulating the management of the Muzrai Institutions was not present before the public in the form in which it was till now. It is far more satisfactory to have a legislative enactment to guide than the executive orders on the subject. Having resolved to achieve the object, how best could it be done, except by a codification of the existing rules both written and unwritten? It was a mystery to most people, as to what was being done with the endowments which the religious and charitable institutions in the State were endowed with. They did not know who managed them and how they were managed. Now, we have a Regulation in which all these points are cleared. It is not intended that every institution will be dealt with, but religious and charitable institutions on which the Government have a hold by reason of acts to be done by them are primarily within its purview.

From para (1) of section 2, it will be seen that the definition of Muzrai Institutions is intended to bring within its scope those institutions on which Government have a hold. So that, it is the object of Government to see that institutions over which it has got a hold and institutions which are within its temporary management are conducted in a way which people can know. With this object essentially in view, the Regulation has been drafted.

I will not be a party to the statement that this is a novel Regulation. It may be so perhaps with regard to British India. I believe we have such a Regulation in two other Native States, namely, Cochin and Travancore. Such a Regulation has been found to exist there and to result in the good which the executive orders could not bring about. How far Regulation would succeed time will show. But this much may be said that it will do so much more than what the executive orders have done before.

As regards the details of this Bill, there were certain provisions which might have been considered I will not say obnoxious but inexpedient and were on that account considered unnecessary to be introduced in Regulation which has to pass through its experimental stage for some years. Such matters on which the Executive Government in its executive capacity did not want to interfere or exercise any powers have been left out of account. The object has been so well explained by the learned speaker on the subject, that I would only express to add my support to it.

MR. H. V. NANJUNDAYYA.—Mr. A. Rangaswamiengar complains that this legislation is an *a priori* legislation not drafted on the consideration of facts. I ask him

in all seriousness if that is a valid objection to it. Most legislative measures are *a priori* deductions helped by as many facts as have come to light. For example, if this Council has to pass a law for prohibiting murder, is it necessary that statistics should be taken before a punishment is proposed to be meted out for murder? So, then, I would dismiss that statement from consideration. As a matter of fact, I would say that it is not *a priori* in the sense of being drawn mainly from imagination.

Another criticism was that we were attempting to take within our wings too many institutions and that we have no machinery able to cope with their management. Mr. Rangaswamiengar referred to the definition of "Muzrai Institution" in Section 2. I admit at once that that definition is very comprehensive and may include for instance, the Melkote temple for which about Rs. 20,000 are allotted by Government and the Kalasa temple which gets an income of about Rs. 20,000, as well as any village temple which received only a few annas from the Government. But what do we propose in this legislation? We do not say that we take all these under our direct management. The only use of the term is found in Section 19, and it is to meet this section that that definition was inserted. Section 19 runs as follows:—"Arrears of rent of revenue due from tenants in respect of property belonging to a Muzrai Institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government." That is all that we are required to do by this Regulation—to do anything important on behalf of the institutions. We can at once see that this is not very formidable. Persons interested, who are in direct charge of the institutions will apply to the Revenue Officers concerned and it will not be impossible to extend this help to them. What is it that we are prepared to do under the Regulation that is impossible of achievement? For example, we say in clause 3.—"Government may undertake the management of a religious or charitable trust—." It is not *shall* undertake but it is only *may*. Of course, we will undertake this, if the institutions require such a treatment only in cases which we can effectively manage. And then Sections 4, 5, 6 and 7—all these refer to references to Civil Courts by Muzrai Officers. A similar remark may be made about Section 8. We will not utilize the provisions of the Regulation in every case, where a private man has dedicated anything for the use of the public. But we will take only cases in which large amounts are involved and I for one, do not see anything impossible of achievement in all this. I may go over all the provisions in that way to show that we have not undertaken anything very arduous or beyond our capacity to take.

Mr. Rangaswamiengar complains that we should have created local bodies to interest themselves in this matter. About this, I have only to say, that the institution of Dharmadarsis is wide enough to constitute local bodies anywhere we want. We are not in the least anxious to interfere in matters of administration of such charities and religious institutions. We may also frame rules about Dharmadarsis in such a manner as to allow for the action of such popular help and sentiment as is desired.

Another objection is that we are wanting in definiteness in the introduction of the popular element and in this connection reference was made to the election of pujaris. He asked who were the voters. Provision is there made for Government to issue rules on the subject. Of course, we will do our best and after all, it does not matter if, in the matter of voting a few persons who are not devotees come in. They will soon be swamped among the larger number of devotees. The difficulty here is not that people will take too much interest but that most people will be apathetic. Whether in the case of Government Officers or the local public opinion concerned, the complaint in respect of all these institutions is that they take far too little interest in such institutions. You may have observed the extremely unsatisfactory state in which small temples are now. We have only to compare for instance a church kept up by a Christian and a temple kept up by a Hindu. In the latter case, you will find that the place is not kept clean and proper use is not made of it for the purposes of devotees, as we should expect in such institutions. It is not so much that the Government is unwilling in any way to share these responsibilities. They are only too anxious to do it. If only the public of each place will come forward and take the management of the institutions into their own hands, Government will consider itself amply repaid for the trouble it takes in

bringing in such a measure; and they would not try to administer these themselves for the public use.

Reference was also made to Committees' responsibilities in districts. In fact, that was the reason which induced me to put in a clause for the constitution of such Committees. In Section 17, we have put in a provision that "Government may also appoint a Committee of persons chosen by election or otherwise with such powers of management and supervision as may be prescribed by rules, over one or more religious and charitable institutions," and we may entrust these powers to the Committees under the rules to be framed.

THE DEWAN.—Before putting the motion to vote, I wish to compliment the members of the Council who took part in the debate on the high level maintained throughout the discussion of this important question.

The motion was then put to vote and carried unanimously.

MR. H. V. NANJUNDAYYA next moved that the figure "1913" be added at the end of the word "Regulation" in, and the words and figure "1st January 1914" at the end of, sub-clause (1) of clause 1 of the said Bill.

MR. C. SRINIVASIENGAR seconded the motion.

The motion was put to vote and carried.

MR. H. V. NANJUNDAYYA next moved that the word "and" be added at the end of sub-clause (3) of clause 9 of the said Bill.

MR. C. SRINIVASIENGAR seconded the motion.

The motion was put to vote and carried.

MR. B. NARASINGA RAO, with the permission of the President, moved that in clause 33 of the Bill in the last line after the word "interested" the words "and after making such further enquiry as he thinks necessary" be inserted.

MR. S. SEATHARAMAIYA seconded the motion.

The motion was put to vote and carried.

MR. B. NARASINGA RAO then moved that in clause 37 in the first line, the figure '26' be omitted.

MR. S. SEATHARAMAIYA seconded the motion.

The motion was put to vote and carried.

MR. H. V. NANJUNDAYYA then moved that the said Bill as amended be passed.

MR. C. SRINIVASIENGAR seconded the motion.

MR. PUTTANNA CHETTY.—Sir,—As this is the final stage of this very weighty and important discussion, I hope you will permit me to say a few words.

I think, the Mysore Government should be congratulated on bringing forward a bold and salutary measure of this kind. It has been demanded by public sentiment for a long time past. Abuses and mismanagement of religious and charitable institutions have not been unknown in this State. Many cases have been brought to the notice of Government and in order to check such abuses, a Government Department has been specially created and that is the Muzrai Department of Government and a Muzrai Superintendent has been appointed and executive orders have been issued by him from time to time. But then, the Government have not been able to put an end to all the malpractices and irregularities that have been found to exist. Not only the temples and chattrams have been brought under the purview of this Regulation but also the matts. The Select Committee has bestowed special consideration upon this part of the Bill. It was very anxious to avoid treading upon the tender sentiments of the mathas. At the same time, it set itself resolutely to work to prevent any undue alienations of property and so on. And I think the result of their deliberations was that they arrived at a happy mean, that is, the Bill does not interfere too much with the affairs of mathas, at the same time it does not leave them to themselves entirely. I daresay, as this Bill becomes law and its effect is felt all over the Province, a time will arise when a larger measure under which even the *Mathadhipathis* will be brought under control, such as is advocated in the public press, will be demanded by the people. Until that time arrives I think such a measure as is at present before us will be very much appreciated. We are not singular in this respect. Similar legislation has been undertaken in

Cochin and Travancore and it is working there with great success. I think they framed their measure upon our own model. As such, they ought to have followed us while it looks as if we were following them. I should not be surprised if British India should follow our example in this most important matter which touches the everyday life of the people of India.

I heartily support the motion that this Bill be passed into law.

The motion was then put to vote and carried unanimously.

The council then adjourned *sine die*.

By Order,

S. P. RAJAGOPALACHARI,

Secretary, Mysore Legislative Council.